

**Co-Agency Drift Work Group  
Meeting Minutes  
July 26, 2000**

Attendees:

**California Agricultural Commissioners and Sealers Association (CACASA)**

**Area Group Representatives:**

Richard Price, Sacramento Valley  
Kathleen Thuner, Southern California  
Eric Lauritzen, Coast

**Department of Pesticide Regulation participants:**

Terri Barry, Environmental Monitoring and Pest Management Branch  
Fred Bundock, Office of Policy Coordination and Continuous Improvement  
Mary Ann Coleman, Pesticide Enforcement Branch  
Sharon Dobbins, Chief Counsel  
Dennis Gibbons, Worker, Health, and Safety Branch  
Paul Gosselin, Acting Chief Deputy Director  
Nancy Grussing, Pesticide Enforcement Branch  
Roy Hirose, Pesticide Enforcement Branch  
Linda Irokawa-Otani, Office of Policy Coordination and Continuous Improvement  
David McCarty, Office of Policy Coordination and Continuous Improvement  
Danny Merkley, DPR Commissioner Liaison  
Bob Rollins, Environmental Monitoring and Pest Management Branch  
Ralph Shields, Pesticide Registration

Absent:

Mark Lockhart, Northern Counties  
Robert Rolan, San Joaquin Valley

**I. Opening Remarks – Overview of the Drift Initiative - Paul Gosselin**

Paul Gosselin opened the meeting by acknowledging that drift is one of the most difficult of all issues Department of Pesticide Regulation (DPR) and County Agricultural Commissioners (CACs) deal with. The drift initiative initiated in 1997 identified the need to clarify DPR's policies and procedures for responding to drift incidents.

Two areas of concern are the National Spray Drift Task Force's impact on the state program findings and possible impacts to state and county programs, and specifications to minimize drift are currently limited to restricted use herbicides. DPR plans to make adjustments to regulate drift and develop

requirements to address all liquid spray pesticide formulations (restricted and non-restricted) in a general manner, not just liquid herbicides. DPR will also develop additional requirements to address specific pesticide spray issues. Additional changes to the drift issue includes: provide clarity and consistency with regulatory standards, better policy definition, and plan to clean-up current regulations without major regulatory changes.

In lieu of comprehensive regulatory changes, DPR has decided to:

- Revise the Pesticide Drift Enforcement Policy
- Conduct meetings with external stakeholders for open discussion of drift-related requirements

To ensure success of these meetings, DPR plans to:

1. Identify and address specific issues and areas of concern prior to the workshops.
2. Review these issues with external stakeholders to impart a clearer understanding of what drift is, and what it is not.
3. Maintain a continuing dialogue with CACs on incidents and issues that arise. Discussion on how CACs address these problems will be helpful to the process.

***Note: Paul Gosselin emphasized these requirements are for liquid spray solutions only – not dusts.***

## **II. Meeting Objectives, Ground Rules, Carry Over Issues and Parking Lot Issues**

David McCarty facilitated the meeting and presented the objectives, ground rules, carry over issues, and parking lot issues to the group.

Meeting Objectives:

- Clarify the role of the drift workgroup
- Present the policy letter as approved by DPR
- Gather input from counties – regulatory changes
- Identify types of suggested regulatory changes

Ground Rules:

- Summarize meeting content and tasks at end of meeting
- Commit to attending meetings
- Define realistic timeframes

#### Carry Over Issues:

- Making a determination concerning *substantial drift* and *due care*
- Responding to questions on drift
- Industry publications about standards of care versus “expert witness” testimony
- Define quantity and amount

#### Parking Lot Issues:

#### Investigations Issues:

- At what point do samples need to be taken
- Policy letter does not address these related issues
- Inspector training on drift

**III. Comments to Draft Policy Letter** - The area groups representatives provided the following specific comments on the draft letter.

**Page 1**, paragraph 5 – line 7, remove “Also” from beginning of sentence.

**Page 2**, paragraph 1 – cite the authority which allows DPR to require the CAC to investigate incidents; “adverse effect” should be changed to “incident”.

Paragraph 2 - move under *Investigations* and be the last sentence in the paragraph. Enforcement of FAC Section 12972 and Drift Minimization Requirements should be Appendix A.

**Page 4**, item 3, paragraph 2, line 5 – change “expert witness” to “other persons”. In the Note heading, change “Note” to “Options”. Line 5 to read “However, in these instances, the CAC *could* charge ....”

Following the discussion of specific comments, the group held a round table discussion as follows:

- Remove comments and examples from policy letter.
- Broaden overview of how we enforce drift.
- Limit policy to an interpretation of law and possibly include some case law.
- Recommendation was made to prepare fact sheets or procedural tips to how to investigate drift incidents.

**IV. Comments to Drift Regulations** - The workgroup discussed the following comments on the drift

regulations:

**Page 2**, remove the last provision which states “The drift control provisions listed in Section 6600.5 . . .”

**Page 12**, (a)(1)(A) - 3 miles are inconsistent with current regulations – should be 2 miles. Further discussion and a review of available data on wind speed is necessary. (a)(1)(C) - First sentence, unclear as to the number of specific devices (e.g. positive action, check valve, suck back). Delete “such as a check valve,” from this sentence. (a)(1)(F) – Too many variables refer to discussion with stakeholders.

(a)(1)(G) – Change to read “Discharge shall be shut off when exiting the target site”. (a)(1)(H) – Revise text to incorporate into (a)(1)(G).

(a)(2) – Remove sentence. (b) – Restructure section. (b)(1) – Remove sentence and restructure subsection. (b)(A)(1) – Renumber and change handgun to “backpack”. (c) – Add new subsection.

(c) – Discharge shall be shut-off when exiting the target site. (Needs to be restructured.)

## **V. Tasks assigned to Workgroup members**

1. Technical information on aircraft application equipment – Richard Price
2. List of possible external group and industry representatives interested in attending drift workshops – Workgroup
3. Drift Fact Sheet – TBA
4. Re-format letter into an Information Map and forward it to the work group by August 8, 2000  
- Nancy Grussing and Roy Hirose.

**Next Meeting** – September 6, 2000

Meeting was adjourned.